

Jason Matecki  
Register No. 72821-097  
FCI Herlong Satellite Camp  
P. O. Box 800  
Herlong CA 96113  
Petitioner in Propria Persona

**FILED**

**FEB 11 2021**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
DEPUTY CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JASON MATECKI,

Petitioner,

v.

PAUL THOMPSON, WARDEN,

Respondent.

) Case no. **2:21 - CV - 268 Dmc (HC)**  
)  
) PETITION FOR WRIT OF HABEAS  
) CORPUS UNDER 28 U.S.C. §2241  
)  
) FIRST STEP ACT OF 2018  
) EARNED TIME CREDITS UNDER  
) 18 U.S.C. §3632(d)  
)

PARTIES, JURISDICTION AND EXHAUSTION OF REMEDIES

Petitioner Jason Matecki ("Petitioner"), a federal prisoner in propria persona, files this Petition pursuant to 28 U.S.C. §2241, since this Petition relates to the performance of his sentence. The Court has subject matter jurisdiction under 28 U.S.C. §1331, and this Court is the appropriate venue since Petitioner is incarcerated in Herlong, California. Paul Thompson is sued in his capacity of custodian in his role as Warden of FCI Herlong.

The prudential requirement to exhaust administrative remedies is excused under three separate doctrines. The Petitioner is challenging herein an established policy of the Federal Bureau of Prisons (the "BOP") that time credits earned under 18 U.S.C. §3632(d) cannot be applied towards the transfer of prisoners under 18 U.S.C. §3624(g) until January 15, 2020. (Both of these Code sections were enacted as part of the First Step Act of

2018.) Under the futility doctrine, a prisoner need not exhaust administrative remedies when he challenges an established BOP policy. Frasley v. United States, 1 F. 3d 924, 925 (9th Cir. 1991). See also Fagiolo v. Smith, 326 F. Supp 2d 589, 590 (MDPA 2004).

Secondly, exhaustion is not required with respect to claims which turn solely on questions of statutory construction. Coleman v. U.S. Parole Comm'n, 644 F. Appx 159, 162 (3d Cir. 2016). Petitioner must file this Petition solely because the Respondent refuses to release him immediately to home confinement, halfway house or early release to supervised release; that refusal is grounded on Respondent's erroneous interpretation of the FSA. Specifically, Respondent claims it is not required to implement the FSA until January 15, 2022. Finally, a prisoner will be excused from exhaustion of administrative remedies when he will suffer irreparable injury were he to attempt to fully exhaust remedies. Respondent's administrative remedy process, as set forth in 28 CFR 542.10 et seq., require a prisoner to grieve his remedies with his local Unit Team (which Petitioner has already attempted, see Exhibit 1) then appeal to the warden, and then successively to the Regional Office and the Central Office. The time period for the warden's response is 20 days plus an additional 20 days with extension; the appeal process can be up to 60 days at the Regional and Central Office levels each after the appeal is logged in. Typically, the Region and the Central Office delay at least 30 days to log in appeals. Petitioner's fruitless attempts to persuade Respondent to change its established policy position would delay him relief for at least 6 months, during which time Petitioner should have already been released from incarceration under the provisions of the FSA. This demonstrates irreparable injury. And, as shown below, since the earning and application of time credits under the FSA is non-discretionary on the

part of Respondent, Petitioner has a protected liberty interest in his release under the FSA's time credit system. See, Richardson v. Joslin, 501 F. 3d 415, 419 (5th Cir. 2007) ("Where the statute grants the prison administration discretion, the government has conferred no right on the inmate.") In this case, as shown below, the Respondent has no discretion in this matter, and has a protected liberty interest.

#### STATEMENT OF THE CASE

Petitioner is serving a 75-month sentence for violation of 21 U.S.C. §841(a). A first-time offender, his sentence ends on September 10, 2022 with the application of his good conduct credits. He has a clean disciplinary record while incarcerated, and has been assigned to halfway house commencing on September 10, 2021--just eight months away. His home confinement eligibility date is March 10, 2022. That is, §3624(c)(2), the Respondent is required, to the extent practicable, to transfer Petitioner to home confinement on that latter date. Petitioner is requesting herein that the Respondent release Petitioner immediately to either "prerelease custody" (defined in §3624(g)(2) as either halfway house or home confinement) or to early release to supervised release, because, as of the date of this Petition, he has already earned enough time credits to obligate Respondent to do so.

The FSA created a program under which "eligible" prisoners (those who have not committed one of a number of enumerated offenses or who are not under an order of deportation) to earn time credits by participating in "evidence-based recidivism reduction programs" (hereinafter, "Programming") or "productive activities" (hereinafter "Activities"). Programming is defined in §3635 to include classes which have been proven effective at reducing recidivism; Activities are therein defined as group or individual activities which are calculated to assist prisoners to maintain their

low or minimum risk of recidivism. The FSA imposed three significant deadlines upon the Respondent with respect to the law's implementation.

First, a Risk and Needs Assessment System ("RNAS") was required to be established by July 19, 2019. RNAS was published on time and provides the BOP with a framework to assess, and periodically reassess, the recidivism risk for each prisoner, utilizing the PATTERN risk assessment tool. Respondent then had 210 days, or January 15, 2020, to assess each prisoner via PATTERN as High, Medium, Low or Minimum risk. Inmates can lower their risk category by faithfully participating in Programming. Petitioner was assessed prior to January 15, 2020 as being "eligible" to earn time credits and having "Minimum" risk of recidivism. That assessment was confirmed at his subsequent team meetings on February 11, 2020 and January 3, 2021.

The final deadline imposed by the FSA is January 15, 2022. By that date, the Respondent must make Programming and Activities available for 100% of prisoners in its custody, and before that date, under §3621(h)(3), must prioritize the availability of Programs and Activities to those prisoners who are closest to being released. Notwithstanding such deadline, §3621(h) provides that if any prison facility already offers Programming and Activities as of December 21, 2018, prisoners can earn time credits immediately and begin to apply them immediately as well. And §3621(h)(1)(B) also requires the Respondent, beginning on January 20, 2020, to "begin to expand the effective evidence-based recidivism reduction programs and productive activities it offers and add any new evidence-based recidivism reduction programs and productive activities necessary to effectively implement the System." Subdivision (C) requires the Respondent, no later

than January 20, 2020, to begin to implement the time credit system, "while prisoners are participating in and completing the effective evidence-based recidivism reduction programs and productive activities."

Under §3632(d)(4)(B), a prisoner cannot begin to earn time credits until his sentence commences under 18 U.S.C. §3585(a) (after he is designated to the penal facility at which he will serve his sentence) and in no event prior to the date of the FSA's enactment, on December 21, 2018 is a prisoner able to earn time credits for Programming.

The meaning of the above statutory provisions is clear and unambiguous. Any prisoner can begin to earn time credits beginning on the later of December 21, 2018 or the day he arrives at his place of incarceration. As of December 21, 2018, Petitioner was already at Sheridan FCI, dutifully earning time credits through his participation in Programming and Activities. He was able to do so, regardless of whether inmates at other BOP facilities had access to such activities. And once earned, the time credits can be used.

Under 3632(d)(4)(A), eligible prisoners, such as Petitioners, earn 10 days of time credits "for every 30 days of successful participation in evidence-based recidivism reduction programming or productive activities," but prisoners who have been assessed as Low or Minimum for the last two assessments earn 15 days of time credits for each 30 days of participation. The operative verb in subsection (A) is "shall." If an eligible inmate successfully participates, the BOP has no discretion. It must award the 10 or 15 days of time credits. Petitioner, having been assessed as "Minimum" for all of his assessments, and having completed Programming and Activities assigned by his Unit Team for 25 months, has now earned 12.5 months of time credits.

The utilization of time credits is governed by §3624(g). Under subsection (g), at the point at which a Low or Minimum risk prisoner has accumulated a number of time credit days equal to the number of days remaining in his period of incarceration, the Respondent is required to release that prisoner to either pre-release custody or up to 12 months of early release to supervised release. The Attorney General is required to issue guidelines by §3624(g)(6) to determine whether a particular Minimum or Low risk prisoner is sent to home confinement, halfway house or early release to supervised release. To date, the Attorney General has not complied with this Congressional mandate. Because the Respondent's duty to award time credits and to apply them is mandatory, not discretionary under the FSA, Petitioner has a vested liberty interest in his release for his time credits earned to date.

Medium and High risk prisoners may only use time credits if they satisfy the warden that they have made a good faith effort to reduce their recidivism levels and are not deemed to be a danger to the public.

Another critical provision of the FSA is found in §3632(d)(6): The incentives described in this subsection [d] shall be in addition to any other rewards or incentives for which a prisoner may be eligible." This provision makes clear that the benefits of the time credit system are cumulative to other rewards or incentives which the Respondent offers to prisoners under existing law.

#### LEGAL ARGUMENT

The foregoing statutory provisions, as applied to Petitioner's factual situation, require that the Respondent transfer him immediately to either home confinement, halfway house, or early release to supervised release but as to the latter only as to 12 months.

Petitioner's Programming and Activities for the past 25 months are set forth in the attached Exhibit 2. In addition, as set forth in the

accompanying Declaration, for nearly all of these 25 months while he was not in holdover pending transfer, Petitioner was also working full time for his places of incarceration. Petitioner submits that his prison job by itself satisfies the "productive activities" definition. As an inmate assessed as having Minimum recidivism risk for the last two assessments, he has earned 12.5 months of time credits. Given that his halfway house assignment is less than eight months away, he is already overdue for transfer. This establishes standing and ripeness of Petitioner's claims.

Petitioner's release date of September 10, 2022 includes 337 days of credit for good conduct under §3624(b). This good conduct time is a "reward or incentive" offered to Petitioner and other prisoners for not engaging in conduct which violates BOP rules. Petitioner was also awarded halfway house. This is a "reward or incentive," since in order to be awarded halfway house, an inmate must also abstain from serious disciplinary infractions and also must, as did Petitioner, agree to participate in the Respondent's Inmate Financial Responsibility Plan. Alternatively, even if he were not awarded halfway house, Petitioner would be entitled to 6 months of home confinement prior to September 10, 2022 because he has demonstrated, by his exemplary conduct in prison, that he is a "low risk" prisoner. That is also a "reward or incentive."

There is a good reason for the stacking provision in §3632(d)(6). There would be no incentive, or scant incentive, for a prisoner to participate in Programming or Activities if the time credits he was thereby awarded overlapped with the good conduct time, halfway house time or 6 months' home confinement time which he is otherwise entitled to. The same holds for the good conduct time of 54 days per year. Certainly Congress intended to make the earned credit system have real, legal effect; it did not intend,



it should be presumed, that Congress or indeed any legislative body does not intend to enact laws which have no effect.

Based on the BOP's proposed rules published on November 25, 2020, at page 75,268 of the Federal Register, Petitioner understands that the Respondent seeks to enact regulations which do not respect the intent of Congress, as such intent is set forth in the unambiguous words of the FSA. Respondent asserts in its proposed new rules 28 CFR 542.40 to 542.42 inclusive, that no time credits may be earned prior to January 15, 2020; that Respondent is under no obligation to apply time credits to any prisoner until January 13, 2022; that only a narrow list of Activities approved by it on and after January 15, 2020 can be the basis of awarding time credits; that the time credits which Petitioner earned in reliance on the assurances of his Unit Teams at Sheridan and Taft Correctional Institution are worthless (see Declaration ¶2); and that one "day" of Programming and/or Activities consists of eight hours of logged time.

These assertions fail the standard set forth in Chevron USA, Inc. v. NRDC, 467 U.S. 837 (1984): the agency must give effect to the unambiguously expressed intent of Congress. Later, the Supreme Court clarified the Chevron doctrine when it stated that an agency's interpretation of a statute will not be entitled to any deference if it leads to futile or absurd results, or is plainly at variance with the policy of the legislation as a whole. See, EEOC v. Commercial Office Products, 486 U.S. 107, 120 (1988).

In Goodman v. Ortiz, 2020 US Dist LEXIS 153874 (DNJ August 25, 2020) the court rejected the Respondent's objection to the prisoner's usage of four months of time credits earned by him from October 2019 through June 2020. The New Jersey district court also stacked the four months of earned time credits with the prisoner's ten weeks of halfway house. The court reasoned that the Respondent's interpretation of the FSA was contrary to the plain language of the statute and was unfair to the prisoner.



Goodman has been cited with approval by the district of South Dakota in O'Bryan v. Cox, 4:20-cv-04183-LLP (DSD January 12, 2021). In Goodman, Respondent did not raise its argument that one day of Programming or Activities participation is completed only upon eight logged hours of time. This is a new interpretation only advanced in connection with the notice of proposed rulemaking. But this interpretation is contrary to the intent of Congress and also leads to a futile and absurd result. No prisoner has enough hours in the day to participate in more than 2 or 3 hours of classes. Every prisoner not under medical exemption must work a full time job. Prisoners must also maintain sanitation of their quarters and care for their own personal hygiene, and sleep. Prisoner time is also limited by restrictions on yard movement, and up to 6 standing counts per day, when presence in the housing unit is required. Scheduling Programming or Activities faces the same obstacles attendant to a college or university scheduling classes.

But imagine that a very motivated prisoner was able to participate in an average of 2.5 hours of Programming or Activities each day. That would equal 75 hours a month, or 900 hours a year. that would equal 112 "days" as calculated by Respondent, or at most, only 37 days off his sentence every calendar year, as opposed to the one-third off possible as the statute is written. Note that the FSA did not state that 8 hours or 3 days of participation resulted in 1 day of credits. Congress did not make the measurement strictly quantitative, couching the statute in terms of general compliance and in a method similar to state anti-recidivism programs. The Respondent's concept of the FSA is a scant incentive, considering that the RNAS says that pre-FSA only 25% of inmates participated in programming.

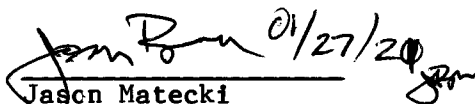
Even more important, the Respondent cannot possibly offer even the minimal level of Programming and Activities for our model prisoner. Most Programming classes involve cognitive behavior modification and must be taught by trained professionals: Anger Management, drug classes, or parenting classes. Ordinary correctional officers cannot teach these classes. Inmates cannot teach them. Most of these classes have long waiting lists already. Activities classes can be taught by inmates; a few Programming classes such as GED could also be taught by prisoners, but there is a very limited pool of prisoners who are capable of taking on such assignments. And what about classroom space? Respondent is not building any classrooms. No, under the Respondent's interpretation of the FSA, the earned credit system would be an abject failure. This renders the Respondent's interpretation of the statute invalid, and contrary to Congress' intent.

Respondent's list of "approved" Activities is likewise very thin. Other than English as a Second Language or dyslexia classes, the "approved" Activities only offer a limited number of hours of participation. Nearly all of those Activities are designed for disabled, chronically ill or inmates with specialized needs not common to the vast majority of the inmate population. A "productive activity" is any activity that keeps an inmate busy in "productive" ways. That includes satisfactory performance at a prison job or other activities assigned by the Unit Team.

#### CONCLUSION


In conclusion, Petitioner has established that he is clearly entitled to relief and requests that the Court order Respondent to immediately release him to either home confinement, halfway house or early release to supervised release, as determined in the discretion of Respondent.

Respectfully submitted,

  
Jason Matecki  
Dated:

VERIFICATION

The undersigned verifies that the foregoing Petition is true and correct to the best of his knowledge, information and belief.

  
Jason Matecki  
Dated:

**EXHIBIT 1**

**to**

**MATECKI v. THOMPSON**

**Administrative Remedy Record**

BP-A0148

## INMATE REQUEST TO STAFF CDFRM

JUNE 10

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) Case Manager Carey	DATE: January 20, 2021
FROM: Jason Matecki	REGISTER NO.: 72821-097
WORK ASSIGNMENT: none	UNIT: CAMP C-A

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.

This is my request to have my time credits applied under the First Step Act. I understand that the BOP's policy is that it is not required to apply time credits until January 15, 2022. Recent court cases have held against the BOP. Goodman v. Ortiz, 2020 US Dist LEXIS 153874 (DNJ 8/25/20) and O'Bryan v. Cox, 4:20-cv-04183-LLP (DSD 1/12/21). In Goodman, the court stacked the prisoner's home confinement/halfway house time on his 4 months of earned credits. Based on my GTC release date of September 10, 2022 and the 6 months home confinement under 3624(c), I am just about ready to be sent to home confinement/halfway house/early release to supervised release, since I have been programming since December 21, 2018 other than time spent in quarantine.

I recognize that you cannot approve this based on BOP policy, so I request that you reject me quickly and let me go up the administrative remedy ladder and attempt to exhaust remedies. However, since this is a policy position of the BOP, I am not required to exhaust remedies under the Fraley case, 1 F. 3d 924, 925 (9th Cir. 1991).

(Do not write below this line)

## DISPOSITION:

Signature Staff Member	Date
------------------------	------

Record Copy - File; Copy - Inmate

PDF

Prescribed by P5511

This form replaces BP-148.070 dated Oct 86  
and BP-S148.070 APR 94

EXHIBIT 2

to


MATECKI v. THOMPSON

PROGRAMMING AND ACTIVITIES RECORD

Individualized Needs Plan - Program Review (Inmate Copy)				SEQUENCE: 02084129	Team Date: 01-03-2021
Dept. of Justice / Federal Bureau of Prisons					
Plan is for inmate: MATECKI, JASON 72821-097					
Facility:	HER HERLONG FCI	Proj. Rel. Date:	09-10-2022		
Name:	MATECKI, JASON	Proj. Rel. Mthd:	GCT REL		
Register No.:	72821-097	DNA Status:	PREBOP TST / 11-27-2017		
Age:	49				
Date of Birth:	05-22-1971				
<b>Detainers</b>					
Detaining Agency	Remarks				
NO DETAINER					
<b>Current Work Assignments</b>					
Fac	Assignment	Description	Start		
HER	C A&O	CAMP A&O	11-13-2020		
<b>Current Education Information</b>					
Fac	Assignment	Description	Start		
HER	ESL HAS	ENGLISH PROFICIENT	11-29-2017		
HER	GED HAS	COMPLETED GED OR HS DIPLOMA	12-11-2017		
<b>Education Courses</b>					
SubFac	Action	Description	Start	Stop	
MEN	C	RPP C1: HEALTHY MIND AND BODY	06-04-2020	CURRENT	
MEN	C	RPP CAT #6: WHAT IS YOUR KIGGA?	11-03-2020	11-03-2020	
MEN	C	ACE: ROME RULED- BIRTH OF ROME	10-20-2020	12-21-2020	
MEN	C	ACELIFE OF JUSTICE GINSBURG	10-29-2020	12-21-2020	
MEN	C	ACE:THEORY OF PLATE TECTONICS	10-29-2020	10-29-2020	
MEN	C	ACE: WHAT IS POTENTIAL ENERGY?	11-03-2020	11-03-2020	
MEN	C	ACE: ANCIENT MYTHS & MYSTERIES	09-16-2020	10-15-2020	
MEN	C	ACE: INSIDE MECCA	08-11-2020	10-13-2020	
MEN	C	ACE: INTO THE OKAVANGO	09-03-2020	10-13-2020	
MEN	C	ACE: FORCES OF NATURE	08-06-2020	10-13-2020	
MEN	C	ACE: HOW TO HAVE AN OPINION	08-13-2020	08-13-2020	
MEN	C	ACE: BIOLOGICAL MOLECULES CARBS	08-20-2020	08-20-2020	
MEN	C	ACE: INSIDE THE LIVING BODY	08-11-2020	08-20-2020	
MEN	C	ACE: RISE AND RISE OF BITCOIN	09-16-2020	09-16-2020	
MEN	C	ACE: BIRTH OF CIVILIZATION	09-03-2020	10-07-2020	
MEN	C	RPP C3: CREDIT YOUR ADVANTAGE	08-14-2020	08-14-2020	
MEN	C	ACE: MOSQUITOS AND PEOPLE?	08-13-2020	08-13-2020	
MEN	C	RPP#3: PROTECT YOUR FINANCES	06-29-2020	08-12-2020	
MEN	C	ACE: KING TUT'S FINAL SECRETS	07-21-2020	07-21-2020	
MEN	C	RPP C3: MONEY MANAGEMENT	06-04-2020	08-06-2020	
MEN	C	ACE: SUPER PREDATORS - VIPERS	07-02-2020	08-06-2020	
MEN	C	ACE: CORONAVIRUS VS THE FLU	06-29-2020	08-05-2020	
MEN	C	ACE: SICKO - HEALTH CARE IN US	06-30-2020	08-05-2020	
MEN	C	ACE: THE UNLIKELY LEOPARD	07-23-2020	07-23-2020	
MEN	C	ACE: EGYPT'S ETERNAL QUEST	07-28-2020	07-28-2020	
MEN	C	ACE: SUPER PREDATORS	07-07-2020	08-03-2020	
MEN	C	ACE: HUBBLE'S AMAZING JOURNEY	07-09-2020	08-03-2020	
MEN	C	WELLNESS: REDUCING GERMS	06-04-2020	08-02-2020	
MEN	C	ACE: AMERICA'S COVID RESPONSE	06-20-2020	06-20-2020	
MEN	C	ACE: ONE BAD TWENTY - ATHLETICS	05-18-2020	05-18-2020	
MEN	C	ACE: INSIDE THE MILKY WAY	06-02-2020	07-22-2020	
MEN	C	ACE: ORIGINS OF SNOW MONKEYS	06-25-2020	07-22-2020	
MEN	C	ACE: INSIDE THE WHITE HOUSE	06-09-2020	07-22-2020	
MEN	C	ACE: IMPORTANCE OF ACCOUNTING	06-29-2020	06-29-2020	
MEN	C	ACE: SCIENCE OF VOLCANOES	05-11-2020	06-18-2020	
MEN	C	ACE: ANATOMY AND PHYSIOLOGY	05-20-2020	05-27-2020	
MEN	C	ACE: CO2 WARMING OUR PLANET	06-04-2020	06-11-2020	

Individualized Needs Plan - Program Review (Inmate Copy)				SEQUENCE: 02084129	Team Date: 01-03-2021
Dept. of Justice / Federal Bureau of Prisons					
Plan is for inmate: MATECKI, JASON 72821-097					
SubFac	Action	Description	Start	Stop	
MEN	C	ACE: CARTHAGE'S LOST WARRIORS	06-04-2020	06-05-2020	
MEN	C	ACE: THE "ALICE EFFECT"	06-02-2020	06-12-2020	
MEN	C	ACE: DEVICES TO PROTECT FORESTS	06-10-2020	06-10-2020	
MEN	C	ACE: ARCTIC & ANTARCTICA	05-12-2020	05-12-2020	
MEN	C	ACE: HOW TO PROTECT WKRS COVID	04-23-2020	04-23-2020	
TAF	SCP	CREDIT REPAIR MON 1215-1515	10-28-2019	12-31-2019	
TAF	SCP	CAMP AA TTH 700-900 C415	02-15-2020	03-20-2020	
TAF	SCP	CAMP AA TTH 700-900 C415	01-11-2020	02-14-2020	
TAF	SCP	CAMP AA TTH 700-900 C415	12-30-2019	01-10-2020	
TAF	SCP	CAMP NA TTH 900-1100 C415	02-15-2020	03-20-2020	
TAF	SCP	CAMP NA TTH 900-1100 C415	01-11-2020	02-14-2020	
TAF	SCP	CAMP NA TTH 900-1100 C415	12-30-2019	01-10-2020	
TAF	W	CAMP REC: WALKING 0600-2000	03-06-2020	03-28-2020	
TAF	SCP	REFLECTIONS - CAMP	12-20-2019	03-26-2020	
TAF	SCP	CAMP NRDPAP TTH 700-0800 C415	10-05-2019	03-05-2020	
TAF	SCP	TOASTMASTERS R103 W 1215-1515	01-01-2019	12-31-2019	
TAF	SCP	CREDIT REPAIR MON 1215-1515	09-23-2019	10-28-2019	
<b>Discipline History (Last 6 months)</b>					
Hearing Date	Prohibited Acts				
** NO INCIDENT REPORTS FOUND IN LAST 6 MONTHS **					
<b>Current Care Assignments</b>					
Assignment	Description	Start			
CARE1	HEALTHY OR SIMPLE CHRONIC CARE	11-27-2017			
CARE1-MH	CARE1-MENTAL HEALTH	11-28-2017			
<b>Current Medical Duty Status Assignments</b>					
Assignment	Description	Start			
C19-QUAR	COVID-19 QUARANTINED	11-04-2020			
C19-T NEG	COVID-19 TEST-RESULTS NEGATIVE	11-19-2020			
REG DUTY	NO MEDICAL REST-R-REGULAR DUTY	08-06-2019			
YES F/S	CLEARED FOR FOOD SERVICE	08-06-2019			
<b>Current Drug Assignments</b>					
Assignment	Description	Start			
DAP DECL	RESIDENT DRUG TRMT DECLINED	07-24-2018			
ED COMP	DRUG EDUCATION COMPLETE	01-23-2019			
INELIGIBLE	18 USC 3621 RELEASE INELIGIBLE	01-22-2018			
NR COMP	NRES DRUG TMT/COMPLETE	03-05-2020			
<b>FRP Details</b>					
Most Recent Payment Plan					
FRP Assignment: COMPLT		FINANC RESP-COMPLETED		Start: 04-20-2018	
Inmate Decision: AGREED		\$25.00		Frequency: QUARTERLY	
Payments past 6 months: \$0.00		Obligation Balance: \$0.00			
<b>Financial Obligations</b>					
No.	Type	Amount	Balance	Payable	Status
1	ASSMT	\$100.00	\$0.00	IMMEDIATE	COMPLETED
** NO ADJUSTMENTS MADE IN LAST 6 MONTHS **					
<b>Payment Details</b>					
Trust Fund Deposits - Past 6 months: \$ N/A					
New Payment Plan: Payments commensurate ? N/A					
** No data **					
<b>Progress since last review</b>					
Inmate MATECKI arrived at FCI Herlong SCP on 11-04-2020.					



		<b>Individualized Needs Plan - Program Review (Inmate Copy)</b> Dept. of Justice / Federal Bureau of Prisons Plan is for Inmate: MATECKI, JASON 72821-097	SEQUENCE: 02884129 Term Date: 01-03-2021
<b>Next Program Review Goals</b> Complete PUBLIC SPEAKING and BASIC REAL ESTATE through Education. Obtain an original or certified copy of your birth certificate.			
<b>Long Term Goals</b> Submit a resume to your Case Manager by 03/2022.			
<b>RRCHC Placement</b> [REDACTED]			
<b>Comments</b> If the exact recommended classes are unavailable, closely related classes are acceptable to take. Inmate MATECKI plans to work for West Coast Aerospace after release. FTC ELIG R-MAN			

**Individualized Reentry Plan - Program Review (Inmate Copy)**

SEQUENCE: 02084129

Dept. of Justice / Federal Bureau of Prisons

Team Date: 02-11-2020

Plan is for inmate: MATECKI, JASON 72821-097

Facility: TAF TAFT CI  
 Name: MATECKI, JASON  
 Register No.: 72821-097  
 Age: 48  
 Date of Birth: 05-22-1971

Proj. Rel. Date: 09-10-2022  
 Proj. Rel. Mthd: GCT REL  
 DNA Status: PREBOP TST / 11-27-2017

**Detainers**

Detaining Agency	Remarks
NO DETAINER	

**Current Work Assignments**

Fac	Assignment	Description	Start
TAF	C WH A S/S	CAMP WAREHOUSE 0730-1530 S/S	08-08-2019

**Current Education Information**

Fac	Assignment	Description	Start
TAF	ESL HAS	ENGLISH PROFICIENT	11-29-2017
TAF	GED HAS	COMPLETED GED OR HS DIPLOMA	12-11-2017

**Education Courses**

SubFac	Action	Description	Start	Stop
TAF		CREDIT REPAIR MON 1215-1515	10-28-2019	CURRENT
TAF		CAMP NRDP T/TH 700-0930 CC415	10-05-2019	CURRENT
TAF		REFLECTIONS - CAMP	12-20-2019	CURRENT
TAF SCP	C	TOASTMASTERS R103 W 1215-1515	01-01-2019	12-31-2019
TAF SCP	C	CREDIT REPAIR MON 1215-1515	09-23-2019	10-28-2019

**Discipline History (Last 6 months)**

Hearing Date	Prohibited Acts
** NO INCIDENT REPORTS FOUND IN LAST 6 MONTHS **	

**Current Care Assignments**

Assignment	Description	Start
CARE1	HEALTHY OR SIMPLE CHRONIC CARE	11-27-2017
CARE1-MH	CARE1-MENTAL HEALTH	11-28-2017

**Current Medical Duty Status Assignments**

Assignment	Description	Start
REG DUTY	NO MEDICAL RESTR--REGULAR DUTY	08-06-2019
YES F/S	CLEARED FOR FOOD SERVICE	08-06-2019

**Current Drug Assignments**

Assignment	Description	Start
DAP DECL	RESIDENT DRUG TRMT DECLINED	07-24-2018
ED COMP	DRUG EDUCATION COMPLETE	01-23-2019
INELIGIBLE	18 USC 3621 RELEASE INELIGIBLE	01-22-2018
NR PART	NRES DRUG COUNSEL PARTICIPANT	10-05-2019

**FRP Details**

Most Recent Payment Plan
<b>FRP Assignment: COMPLT FINANC RESP-COMPLETED Start: 04-20-2018</b> <b>Inmate Decision: AGREED \$25.00 Frequency: QUARTERLY</b> <b>Payments past 6 months: \$0.00 Obligation Balance: \$0.00</b>

**Financial Obligations**

No.	Type	Amount	Balance	Payable	Status
1	ASSMT	\$100.00	\$0.00	IMMEDIATE	COMPLETEDZ

\*\* NO ADJUSTMENTS MADE IN LAST 6 MONTHS \*\*

**Payment Details**

**Individualized Reentry Plan - Program Review (Inmate Copy)**

SEQUENCE: 02084129

Dept. of Justice / Federal Bureau of Prisons

Team Date: 02-11-2020

Plan is for inmate: MATECRI, JASON 72821-097

**Most Recent Payment Plan**

Trust Fund Deposits - Past 6 months: \$7,365.35

Payments commensurate ? N

New Payment Plan:

Inmate is FRP complete as of 4-20-18.

**Progress since last review**

He has maintained clear conduct since his last scheduled program review. He maintains good work evaluations based on his overall work ethic. He communicates with mother regularly. He is currently enrolled in Credit Repair course, NRDAP, and Reflections. He has completed Toast Masters.

**Next Program Review Goals**

Maintain clear conduct. Seek medical, psychology, counseling, and religious services as needed. Enroll in Credit Repair, Freedom from Drugs, and Basic Automotive. Continue participation in NRDAP. Watch callouts daily and report on time. When notified, attend RPP courses.

**Long Term Goals**

Complete NRDAP by 11/2020. Complete RPP course by 09/2021. Complete Freedom from Drugs by 11/2020.

**RRC/HC Placement**

No.

Management decision - Will review 17-19 months prior to the inmates release in accordance with the second chance act of 2007..

Consideration has been given for Five Factor Review (Second Chance Act):

- Facility Resources
- Offense
- Prisoner
- Court Statement
- Sentencing Commission

**Comments**

407/408 reviewed.

PREA reviewed.

PP41 reviewed.

Next pgm 08/2020.



**Individualized Reentry Plan - Program Review (Inmate Copy)**

SEQUENCE: 02084129

Dept. of Justice / Federal Bureau of Prisons

Team Date: 02-11-2020


Plan is for inmate: MATECKI, JASON 72821-097

Name: MATECKI, JASON  
Register No.: 72821-097  
Age: 48  
Date of Birth: 05-22-1971

DNA Status: PREBOP TST / 11-27-2017

  
\_\_\_\_\_  
Inmate (MATECKI, JASON. Register No.: 72821-097)

2-11-20  
\_\_\_\_\_  
Date

 \_\_\_\_\_  
Unit Manager/Chairperson

 \_\_\_\_\_  
Case Manager

02.11.2020 \_\_\_\_\_  
Date

02.11.2020 \_\_\_\_\_  
Date



**Individualized Reentry Plan - Program Review (Inmate Copy)**

SEQUENCE: 02084129

Dept. of Justice / Federal Bureau of Prisons

Team Date: 08-22-2019

Plan is for inmate: MATECKI, JASON 72821-097

Facility: TAF TAFT CI  
 Name: MATECKI, JASON  
 Register No.: 72821-097  
 Age: 48  
 Date of Birth: 05-22-1971

Proj. Rel. Date: 10-23-2022  
 Proj. Rel. Mthd: GCT REL  
 DNA Status: PREBOP TST / 11-27-2017

**Detainers**

Detaining Agency	Remarks
------------------	---------

NO DETAINER

**Current Work Assignments**

Fac	Assignment	Description	Start
TAF	C WH A S/S	CAMP WAREHOUSE 0730-1530 S/S	08-08-2019

**Current Education Information**

Fac	Assignment	Description	Start
TAF	ESL HAS	ENGLISH PROFICIENT	11-29-2017
TAF	GED HAS	COMPLETED GED OR HS DIPLOMA	12-11-2017

**Education Courses**

SubFac	Action	Description	Start	Stop
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NO COURSES

**Discipline History (Last 6 months)**

Hearing Date	Prohibited Acts
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\*\* NO INCIDENT REPORTS FOUND IN LAST 6 MONTHS \*\*

**Current Care Assignments**

Assignment	Description	Start
CARE1	HEALTHY OR SIMPLE CHRONIC CARE	11-27-2017
CARE1-MH	CARE1-MENTAL HEALTH	11-28-2017

**Current Medical Duty Status Assignments**

Assignment	Description	Start
REG DUTY	NO MEDICAL RESTR--REGULAR DUTY	08-06-2019
YES F/S	CLEARED FOR FOOD SERVICE	08-06-2019

**Current Drug Assignments**

Assignment	Description	Start
DAP DECL	RESIDENT DRUG TRMT DECLINED	07-24-2018
ED COMP	DRUG EDUCATION COMPLETE	01-23-2019
INELIGIBLE	18 USC 3621 RELEASE INELIGIBLE	01-22-2018
NR WAIT	NRES DRUG TMT WAITING	11-16-2018

**FRP Details**

Most Recent Payment Plan
--------------------------

FRP Assignment: COMPLT FINANC RESP-COMPLETED Start: 04-20-2018

Inmate Decision: AGREED \$25.00

Frequency: QUARTERLY

Payments past 6 months: \$0.00

Obligation Balance: \$0.00

**Financial Obligations**

No.	Type	Amount	Balance	Payable	Status
1	ASSMT	\$100.00	\$0.00	IMMEDIATE	COMPLETEDZ

\*\* NO ADJUSTMENTS MADE IN LAST 6 MONTHS \*\*

**Payment Details**

Trust Fund Deposits - Past 6 months: \$4,517.30

Payments commensurate ? N

New Payment Plan:

Inmate is FRP complete as of 4-20-18.

**Progress since last review**

Sentry Data as of 08-22-2019

Individualized Reentry Plan - Program Review (Inmate Copy)

Page 1 of 3

**Individualized Reentry Plan - Program Review (Inmate Copy)**

SEQUENCE: 02084129

Dept. of Justice / Federal Bureau of Prisons

Team Date: 08-22-2019

Plan is for inmate: MATECKI, JASON 72821-097

Transfer from Sheridan.

**Next Program Review Goals**

Maintain clear conduct. Seek medical, psych, counseling, and religious services as needed. Report to callouts on time and check them daily. Enroll in NRDP and freedom from drugs. Read and comprehend A&O handbook. When notified, report to RPP courses. Enroll in job resume course.

**Long Term Goals**

Complete a course by 12/2019. Establish strong family ties utilizing phones, email, mail, and visits by 09/2019. Maintain high level of living area and personal hygiene through 10/2022.

**RRC/HC Placement**

No.

Management decision - Will review 17-19 months prior to the inmates release in accordance with the second chance act of 2007..

Consideration has been given for Five Factor Review (Second Chance Act):

- Facility Resources
- Offense
- Prisoner
- Court Statement
- Sentencing Commission

**Comments**

407/408 reviewed.

PREA reviewed.

PP41 reviewed.

Next pgm 02/2020.



**Individualized Reentry Plan - Program Review (Inmate Copy)**

SEQUENCE: 02084129

Dept. of Justice / Federal Bureau of Prisons

Team Date: 08-22-2019

Plan is for inmate: MATECKI, JASON 72821-097

Name: MATECKI, JASON  
Register No.: 72821-097  
Age: 48  
Date of Birth: 05-22-1971

DNA Status: PREBOP TST / 11-27-2017

IBM

Inmate (MATECKI, JASON. Register No.: 72821-097)

8-22-19

Date

  
Unit Manager / Chairperson

  
Case Manager

8-22-19  
Date

8-22-19  
Date



**Individualized Reentry Plan - Program Review (Inmate Copy)** SEQUENCE: 02084129  
 Team Date: 05-30-2019  
 Dept. of Justice / Federal Bureau of Prisons  
 Plan is for inmate: MATECKI, JASON 72821-097

Facility: SHE SHERIDAN FCI  
 Name: MATECKI, JASON  
 Register No.: 72821-097  
 Age: 48  
 Date of Birth: 05-22-1971  
 Proj. Rel. Date: 10-23-2022  
 Proj. Rel. Mhd: GCT REL  
 DNA Status: PREBOP TST / 11-27-2017

**Detainers**  
 Detaining Agency Remarks  
 NO DETAINER

**Current Work Assignments**  
 Fac Assignment Description Start  
 SHE SCP FOOD SCP FOOD SERVICE 01-08-2018

**Current Education Information**  
 Fac Assignment Description Start  
 SHE ESL HAS ENGLISH PROFICIENT 11-29-2017  
 SHE GED HAS COMPLETED GED OR HS DIPLOMA 12-11-2017

**Education Courses**  
 SubFac Action Description Start Stop  
 NO COURSES

**Discipline History (Last 6 months)**  
 Hearing Date Prohibited Acts  
 \*\* NO INCIDENT REPORTS FOUND IN LAST 6 MONTHS \*\*

**Current Care Assignments**  
 Assignment Description Start  
 CARE1 HEALTHY OR SIMPLE CHRONIC CARE 11-27-2017  
 CARE1-MH CARE1-MENTAL HEALTH 11-28-2017

**Current Medical Duty Status Assignments**  
 Assignment Description Start  
 REG DUTY NO MEDICAL RESTR--REGULAR DUTY 12-04-2017  
 YES F/S CLEARED FOR FOOD SERVICE 12-04-2017

**Current Drug Assignments**  
 Assignment Description Start  
 DAP DECL RESIDENT DRUG TRMT DECLINED 07-24-2018  
 ED COMP DRUG EDUCATION COMPLETE 01-23-2019  
 INELIGIBLE 18 USC 3621 RELEASE INELIGIBLE 01-22-2018  
 NR WAIT NRES DRUG TMT WAITING 11-16-2018

**FRP Details**  
 Most Recent Payment Plan  
 FRP Assignment: COMPLT FINANC RESP-COMPLETED Start: 04-20-2018  
 Inmate Decision: AGREED \$25.00 Frequency: QUARTERLY  
 Payments past 6 months: \$0.00 Obligation Balance: \$0.00

**Financial Obligations**  
 No. Type Amount Balance Payable Status  
 1 ASMT \$100.00 \$0.00 IMMEDIATE COMPLETEDZ

**Payment Details**  
 Trust Fund Deposits - Past 6 months: \$4,027.00 Payments commensurate ? N/A  
 New Payment Plan: \*\* No data \*\*

**Progress since last review**  
 SENTRY Data as of 05-29-2019 Individualized Reentry Plan - Program Review (Inmate Copy) Page 1 of 3

**Individualized Reentry Plan - Program Review (Inmate Copy)** SEQUENCE: 02084129  
 Team Date: 05-30-2019  
 Dept. of Justice / Federal Bureau of Prisons  
 Plan is for inmate: MATECKI, JASON 72821-097

Revoc SSC. Did not enroll in Victim Impact. Completed Drug Ed. Remains on w/f for Non-Res. DAP. Saved \$3,000.

**Next Program Review Goals**  
 By 11/19:  
 Enroll in Victim Impact.  
 Enroll in Non-Res. DAP.  
 Maintain strong family ties using mail, email, phones and visiting.

**Long Term Goals**  
 By 4/22:  
 Complete substance abuse tx.  
 Complete the Rel. Prep. Program (6 workshops).  
 Attend Job Fair and develop resume for outside employers.  
 Obtain birth certificate for ID purposes upon release.

**RRC/JHC Placement**  
 No.  
 Management decision - Will discuss 17-19 months from PRD.  
 Consideration has been given for Five Factor Review (Second Chance Act):  
 - Facility Resources  
 - Offense  
 - Prisoner  
 - Court Statement  
 - Sentencing Commission

**Comments**  
 \*\* No notes entered \*\*

SENTRY Data as of 05-29-2019 Individualized Reentry Plan - Program Review (Inmate Copy) Page 2 of 3

SHEA0 540\*23 \*  
PAGE 002 OF 002 \*

SENTENCE MONITORING  
COMPUTATION DATA  
AS OF 10-30-2018

\* 10-30-2018  
\* 15:44:17

REGNO...: 72821-097 NAME: MATECKI, JASON

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 11-16-2017 AT DSC AUTOMATICALLY  
COMPUTATION CERTIFIED ON 11-16-2017 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN  
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 10-27-2017  
TOTAL TERM IN EFFECT.....: 75 MONTHS  
TOTAL TERM IN EFFECT CONVERTED...: 6 YEARS 3 MONTHS  
EARLIEST DATE OF OFFENSE.....: 04-21-2015

JAIL CREDIT.....	FROM DATE	THRU DATE
	04-21-2015	04-21-2015
	08-26-2015	12-10-2015
	08-30-2017	10-26-2017

TOTAL PRIOR CREDIT TIME.....: 166 ← 166  
TOTAL INOPERATIVE TIME.....: 0  
TOTAL GCT EARNED AND PROJECTED...: 294 → 338 (FIRST STEP ACT)  
TOTAL GCT EARNED.....: 54  
STATUTORY RELEASE DATE PROJECTED: 10-23-2022  
EXPIRATION FULL TERM DATE.....: 08-13-2023  
TIME SERVED.....: 1 YEARS 5 MONTHS 19 DAYS  
PERCENTAGE OF FULL TERM SERVED...: 23.4

PROJECTED SATISFACTION DATE.....: 10-23-2022 ← (9-04-22 FIRST STEP ACT)  
PROJECTED SATISFACTION METHOD....: GCT REL

870  
THRU 9-30-19 ~~839~~ DAYS SERVED  
BY 12-31-19 962 DAYS SERVED  
BY 12-31-19 ~~554~~ DAYS LEFT (EST'D JULY 8'21 RELEASE)  
~~517~~ 534  
JUNE 14'21  
(JUNE 14'21)

G0000

TRANSACTION SUCCESSFULLY COMPLETED

Jason Matecki  
Register No. 72821-097  
FCI Herlong Satellite Camp  
P. O. Box 800  
Herlong CA 96113  
Petitioner in Propria Persona

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JASON MATECKI,	)	Case no.
	)	
Petitioner,	)	DECLARATION OF JASON MATECKI IN
	)	SUPPORT OF PETITION FOR HABEAS
v.	)	CORPUS
	)	
PAUL THOMPSON, WARDEN,	)	
	)	
Respondent.	)	

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DECLARATION

I, Jason Matecki, declare as follows:

1. I am the Petitioner in the above-captioned proceeding. I have personal knowledge of the facts set forth herein, and if necessary I could testify to the truthfulness of the same in any court of law.

2. At the time the First Step Act of 2018 was enacted on December 21, 2018, I was incarcerated at FCI Sheridan. I read this law and understood by its plain language that I could reduce my incarceration by participating in evidence-based recidivism reduction programs and productive activities. I dutifully participated in a number of classes suggested by the unit team at Sheridan, believing that by doing so I would earn time credits. I also worked in the kitchen in a Grade 2 job, primarily involved with maintaining the deep fryers or other equipment. I was transferred to Taft Correctional Institution in July 2019. Shortly after my arrival, I was assigned to work in the warehouse, where I held a Grade 1 job of forklift operator. I also

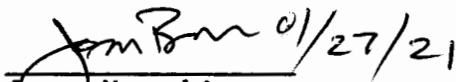
actively participated in productive activities at Taft. My case manager, Mr. Monge, expressly told me that the activities I participated in were earning time credits, and encouraged me to participate. I did participate in reliance on his assurances. I was transferred to my current place of incarceration in April 2020, although I spent a number of months in holdover at Mendota FCI. I also participated in productive activities at Mendota, after being assured by the Education Coordinator Ms. Mendoza that I was thereby earning time credits. A copy of the BOP record of my activities to earn time credits is attached as Exhibit 2 to the Petition.

3. At team meetings held on February 11, 2020 and January 3, 2021, I was informed that I continued to be eligible to earn time credits and that my PATTERN score was Minimum.

4. After giving effect to the extra 7 days of good conduct time per year provided for in the First Step Act, my projected release date is September 10, 2022. I was recently awarded 12 months of halfway house time, so my date scheduled for transfer to halfway house is September 10, 2021.

5. I have attached a true copy of my efforts to date to exhaust my administrative remedies as Exhibit 1 to the Petition.

I declare the foregoing is true and correct under penalty of perjury.

  
Jason Matecki  
Dated: